

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	
vs.)	No. 08 CR 38
)	
ANTHONY QUIRIN,)	HON. RUBEN CASTILLO,
)	JUDGE PRESIDING.
DEFENDANT.)	

**NOTICE OF
AFFIRMATIVE DEFENSES**

Now comes the Defendant, ANTHONY QUIRIN, by and through his attorney, WILLIAM K. HEDRICK, and hereby gives Notice that he may or may not raise the following "Affirmative Defenses" as set out in 18 USC 2252A (c) and (d):

1. That 18 USC 2252 sets out affirmative defenses, but requires that they be filed "within the time provided for filing pretrial motions . . ." 18 USC 2252 (c)(2).

2. That Defendant's counsel is awaiting the case agent's availability to participate in a review of the alleged prohibited materials, with such review set for February 18, 2008.

3. That, accordingly, Defendant's counsel will not have been able to review the alleged prohibited materials prior to the due date for initial pretrial motions.

4. That, Notice is hereby given, subject to amendment or withdrawal following completion of defense review of materials, that Defendant may or may not raise the following statutory Affirmative Defenses:

- I. The alleged child pornography was produced using an actual person or persons who was or were adults at the time the material was produced.

18 USC 2252A (c)(1)(A)

- II. The alleged child pornography was not produced using any actual minor or minors.

18 USC 2252A (c)(1)(B)(1)

- III. The Defendant possessed less than three images of child pornography and promptly and in good faith and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof took reasonable steps to destroy such image or images.

18 USC 2252A (d)(1) and (2)(A)

5. Defendant reserves his right to rely on the Government's inability to prove each element of the charges against him beyond a reasonable doubt and, to raise other Affirmative Defenses as warranted.

6. Defendant, with respect to Affirmative Defenses I and II above, also reserves his right to challenge the constitutionality of the cited statutes, for shifting the burdens of going forward and of proof from the Government to himself in these matters.

Respectfully submitted,

WILLIAM K. HEDRICK

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